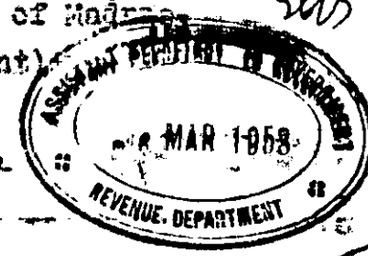
FOR MYSORE STATE

26711 H 2.
26/3/53.

The Secretary to the Government of Madras
(Land Revenue _ Settlement)
Fort St.George,
Madras.



Sir,

Sub:-Assignment -House Site -Bellary Dt. -Kudligi Tk.- Kudligi Village- S.No.314-A/1 village site poram boke -Assignment of 5 cents to Sri B.Bheemappa President of the Panchayat Board under R.S.O.No.21 Cancelled -appeal by Sri B.Bheemappa -to the -- Government- objection of the residents of Kudligi village -submitted.

Memo No 89836 H/52-1 8.12.52

Ref:-(1) Bellary collector's No. D.Dis.No.9324 of 51, dated 3-8-51

(2). Bellary collector's No.19117/51 A-10 dated 9-11-52 based on Board of Revenue Routine R.P.No.7417, dated 3-11-52

Relates to assignment of 2 to NGOs

We, the Secretary, Public Reading Room and the residents of Kudligi Village beg to represent the following facts in connection with the revision petition filed by Sri B.Bheemappa to the Government against the orders of the Board of Revenue communicated with collector's order dated 9-11-52 referred to in the preamble, for the following among other grounds:

An extent of 0-12 cents in S.No.314/A of Kudligi village has been alienated to the public reading room for a period of 5 years from 1941. A building for the reading room stands erected on this site in 1932-and the whole plot of twelve cents which has been sub-divided and demarcated as such on ground has been in the uninterrupted enjoyment of the public reading-room-ever since 1932. The Reading Room has also since applied for the permanent alienation of the site now that it has been registered under the Society Act of 1860.

While the fact of the alienation and the enjoyment

by the public Reading Room was there, Sri B.Bheemappa by virtue of his position as the President of the Local Panchayat Board manoeuvured to have orbit of cents in the said land assigned to him for house site building purposes inspite the fact that he already owns a decent residential building in the village. His application for house-site was rejected by the then Tahsildar Kudligi Janab Md.Khasim Saheb. Against this order of the Tahsildar Sri.B.Bheemappa did not think it fit to approach the next revisional authority viz, the Sub-Collector Hospet but instead went to the collector and with his influence succeeded to achieve his nefarious object. The collector thereupon issued a direction to the Tahsildar to assign five cents in the land to the said applicant. But before a Title deed was issued to him the Secretary of the Reading Room and the residents of the village preferred their objection and the Board of Revenue in its order dated 3-11-52 cancelled the order of assignment under B.S.O.No.21 directed by the Collector of Bellary. Against this order of the Board of Revenue, the said Sri B.Bheemappa has now put in a revision petition to the Government and is making Herculis efforts to get his object achieved. We protest against the petition of Sri B.Bheemappa for the following reasons:

ment. In fact members of Harijan community are also freely attending the Reading Room, and the case of Sri Chaluvadi Erayya, a clerk of the office of the Dy. Inspector of Schools who is regularly attending the Reading Room is an instance in point.

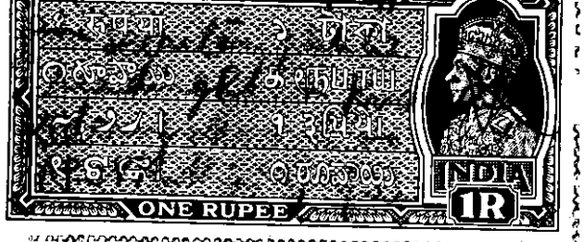
(3). The Reading Room which has been registered under the Society Registration Act of 1860 (Act XXI of 1860) is well founded as enough of funds to continue the Reading Room and has further laid foundations in 1950 for the construction of a room for installation of Radio.

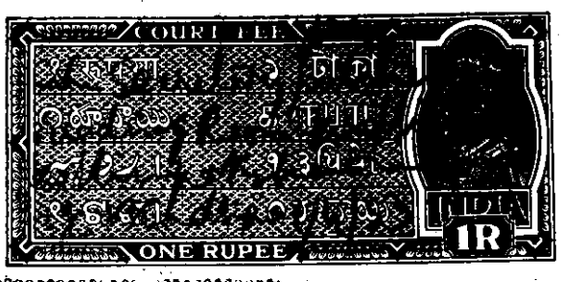
(4). Under the very first para of section 1 to B.S.O.No.21 portions of village sites may be granted for building purposes provided such sites do not a land required for common use of the villagers. In this case the public reading room is a recognised institution and the land alienated to it is definately for the common and bona fide use of the villagers. As such no portion of it can reasonably taken out of it and assigned to private applicants especially of the type of Sri.B.Bheemayya who has already a building far more enough than his normal requirements. His one of the contentions that because he happens to be a, statue being the President of the Panchayat Board he should be allowed to have a building in the centre of the village stands to no reason at all. The status of people are to be judged not them by the number of houses they own but by the nature and quality of public service

(5). The site already granted to the Reading Room is in a very convenient locality being the heart of the village and the construction of rooms for Radio and Library must necessarily be close to the Reading Room and not far away from it. There must also be left some open space in front and around these so as to enable the public to sit and hear the Radio. As such the Reading Room should not be deprived of any portion of this

For these reasons we request the Government to kindly confirm the alienation made in favour of the Reading Room, of 12 Cents in S.No.314/A-4A of Pudligi village and direct that, in future, no portion of this plot be made available for assignment to any private individual. [illegible]

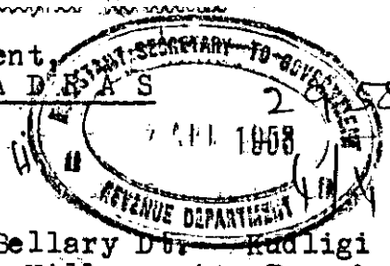
We request finally that the petition of Sri D. Bheemappa be rejected under circumstances detailed above.





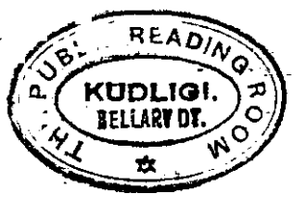
To

The Secretary,
The Government of Madras,
Land Revenue and Settlement,
Fort St. George, M A D R A S



Sir,

Sub:- Assignment - House site - Bellary Dt. - Kudligi Tq - Kudligi Village S.No. 314-A Village site Paramboke - assignment of 5 cents to Sri. B. Bhimappa, President of the Panchayat Board Under B.S.O. No. 21-cancelled appeal by Sri. B. Bhimappa to the Government- Objection of the Secretary of the Kudligi Public Reading Room - Submitted.



Ref:- 1. Bellary Collector's D.Dis.No.9324/51 dated 3-8-51
2. Bellary Collector's No. 19117/51-A-10 dated9-11-52. based on Board of Revenue routine R.T.No.7417 dated 3-11-52.

******

On behalf of the Public Reading Room I, the Secretary beg to represent the following facts in connection with the revision petition filed by Sri. B. Bhimappa to the Government against the orders of the Board of Revenue communicated with the Collector's order dated 9-11-52 referred to in the preamble:-

An extent of 12 cents in S.No. 314-A(Village site) of Kudligi village was temporarily alienated under B.S.O. No. 24-A in Collector's D.Dis. No. 5927/41 dated 14-7-42 to the Public Reading Room for a period of five years from 1941. A building for the Reading Room stands erected on this site since 1932 and the whole plot of 12 cents which was sub-divided and demarcated as such on ground has been in the uninterrupted enjoyment of the Public Reading Room eversince 1932.

Taking advantage of this, Sri. Bhimappa put in a house-site application to the Tahsildar to grant him a portion of the site in question, despite the fact that he already owns a decent house in the village. I came to know about this house-site application when a notice under house-site Rules was published in the village. I immediately put in an objection petition to the Tahsildar through the village Officers stating that the site should not be granted to the applicant as it was required for the Public Reading Room. The Revenue Inspector completely ignored the objection and presumably ignored even the existence of the Survey marks on the ground. Had the slightest enquiry been made, the previous history would have come to light. The Tahsildar acting under the Revenue Inspector's report thought that it was only a vacant Government site. This site being a valuable one he addressed the Collector for orders to sell it in public auction giving equal chances to the applicant and the Reading Room, without considering the public purpose served by the Reading Room. This recommendation of the Tahsildar was presumably not accepted as Kudligi is only a village. In the mean time the fact of the previous alienation of this site to the Reading Room was brought to ~~his~~ the notice of Tahsildar and he rejected the application of Sri. Bhimappa. Against this order of the Tahsildar, the applicant did not think it fit to approach the next revisional or appellate authority viz the Sub Collector, Hospet but instead, went to the Collector and, using his influence, managed to get 5 cents assigned to him out of the 12 cents. The Collector thereupon issued a direction to the Tahsildar to issue a title deed to Sri, Bhimappa under house-site rules. But before the title deed was issued to him, I preferred a revision petition to the Board of Revenue and also applied for a stay order. The Board was pleased to issue a stay order and finally cancelled the Collector's order in the Board's Order dated 3-11-52.

As the said Sri. Bhimappa has put in a revision petition against the order of the Board of Revenue, I protest against it for the following reasons:-

1. The petition to the Government by B. Bhimappa is

p.t.o.

KUDLIGI.
DY DT.

is against para 18 of the B.S.O. No. 15 according to which the Board of Revenue is the final Authority to cancel, to set aside or modify the decision of any officer subordinate to it and such a power is exercisable only where there has been material irregularity in the procedure or where the decision exceeded the power of the Officer who passed it or where it was caused under a mistake of fact or owing to fraud or mis-representation.

2. The Reading Room has been registered under the society Registration Act of 1860(Act 21 of 1860) It is well founded and financially sound. It has further laid foundation in 1950 for the construction of a room for the installation of a Radio.

3. Under the very first para of Sec. 1 to B.S.O. No.21 portions of village sites may be granted for building purposes provided such site is not a land required for the common use of the villagers. In this case the public Reading Room is a recognised Institution and the land alienated to it temporarily is definitely for the common and bonafide use of the villagers; as such no portion of it can reasonably be taken out of it and assigned ~~in~~ to private applicants especially of the type of B-Bhimappa who has already a decent house, far more than enough for his normal requirements. His contention that because he happens to be a man of status being the President of the Panchayat Board he should be allowed to have a building in the centre of the village stands to no reason at all.

4. Kudligi is in a progressive condition with many expansions such as High School—the Power-house and other growing industries etc.

These expansions ~~evoke~~ make it all the more necessary to have a Library, a Public Radio along with the present reading room. The reading room therefore requires the entire 12 cents for

p.t.o.

these expansion schemes for which necessary foundations were laid in 1950.

Under the circumstances explained above, I request finally that the petition of Sri. B. Bhimappa be rejected

NW Dept

Assignment - Homesite - (Bellary) - Kudligi taluk - Kudligi village S.no 314/A - ~~Appl~~ Appeal against Board's order by ~~Sri.~~ Bheemappa Objection petition from the Secretary, Public Reading Room and residents of Kudligi village petition d. Nil.

To AS

Please see the petition in the Cf.

2. The petitioners have stated that Sri. Bheemappa has submitted an ~~objection~~ appeal petition against the Board's orders in B.P.R. no 7417 d. 3.11.52 Cancelling the assignment of 5 cents in S.no 314/A of kudligi village in favour of Sri. Bheemappa and request that the petition may be rejected. It is submitted no appeal petition has been received from Sri. Bheemappa against the Board's orders and hence no action is called for on the petition of p 1-4 of. For orders whether this may be lodged

31/3/53

4/4/53

~~that has happened~~

1.4.53

(HS)